

Notice of Allowability

Application No.

10/600,832

Examiner

Mei Q. Huang

Applicant(s)

LOEHDEN ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 28 July 2005.
2. ☒ The allowed claim(s) is/are 1 and 3-11.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on August 02, 2005. Claims 1 and 3 have been amended, claim 2 is cancelled. Claims 1 and 3-11 are now pending.

2. The Response of August 02, 2005 has been fully considered with the following effect:

(i) the rejection made to claim 3 under 35 U.S.C. 112, second paragraph, has been obviated by appropriate claim amendment;

(ii) the rejection made to claims 6-7 under 35 U.S.C. 112, second paragraph, has been withdrawn in view of applicant's comment;

(iii) the prior art rejection of claims 1 and 3-11 has been obviated by the amendment inserting in claim 1 the limitations of claim 2 and canceling claim 2; and

(iv) claims 1 and 3-11 are allowable over the prior art of record.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter: The claims are allowed primarily because a plastisol formulation comprising acrylate polymer fine particles having the multi-stage structure or the gradient polymer structure as specified in the instant claim 1 hereof is not disclosed nor fairly suggested in any prior art document(s) located or identified by the examiner as of the date of the Notice Allowability. Each prior art is cited as follows.

US' 048 discloses acrylic polymer fine particles having core-shell structure and plastisol using the same wherein the core polymer and the first shell polymer are substantially identical to that of the present application (Abstract). However, US' 048 does not teach an acrylic polymer fine particles with more than 2-stage structure as required by the instant claim 1.

Both US' 108 and JP' 299 relate to acrylate plastisol comprising acrylate polymer fine particles having core-shell structure and disclose that the core-shell structure consists of two layer of a core polymer and a shell polymer; a multi-step layer type structure consisting of three or more layers; and a gradient type structure (US' 108, column 8, lines 63-67, JP' 299, Abstract). However, both prior arts do not specify the contents of the second or third shell of the acrylate polymer particles as required by the instant claim 1.

In view of a thorough search and evaluation of the relevant art that has not uncovered prior art that teaches or fairly suggests a plastisol formulation comprising acrylate polymer fine particles having the multi-stage structure or the gradient polymer structure as instantly claimed, claims 1 and 3-11 are deemed to define allowable subject matter and are passed to issue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mei Q. Huang whose telephone number is (571) 272-3549. The examiner can normally be reached on 8am - 4pm, Mon. - Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mei Q. Huang
Examiner

August 11, 2005



DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700